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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,867	06/18/2001	Glenn Hogle	1161-1.CIP	3059
24955	7590	10/20/2004	EXAMINER	
ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92101			NGUYEN, ANTHONY H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

KB

# Office Action Summary

Application No.

09/883,867

Applicant(s)

HOGLE ET AL.

Examiner

Anthony H Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

In view of the appeal brief filed on June 22, 2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 14-16 and 21-24 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Patterson et al. (US 5,564,844) in view of Weber et al. (US 5,616,897).

With respect to claims 14, 15, 21 and 23, Patterson et al. teaches a keyboard support platform having a lower rigid plate 1, an upper rigid plate 2 attached to the base via a hinge 4 for supporting a keyboard (K) (Patterson et al., Figs.1 and 3). The keyboard support plate can be adjusted by a cam 8 and a motor 9. Patterson et al. does not teach the bladder being inflatable and deflatable to move the upper plate. Weber et al. teaches a support platform having a lower plate 20, an upper plate which supports keys 13, a pump 43 (Weber et al., col.6, the second paragraph) which inflates or deflates a bladder 40 (Figs.6 and 9) disposed between the plates for moving the upper plate with respect to the lower plate. In view of the teaching of Weber et al., it would have been obvious to one of ordinary skill in the art to modify the keyboard support platform of Patterson et al. by substituting the bladder as taught by Weber et al. for simplicity in design so as to reduce the cost of manufacturing a keyboard in place of the mechanism devices such as a cam 8, a shaft 5, bearing supports 6 and a motor 9 of Patterson et al.

With respect to claim 16, the use of a bleed orifice in fluid communication with the bladder while not specifically shown in Weber et al. is necessary to provide an operative device.

With respect to claims 22 and 24, the selection of a desired location that the bladder is disposed or moved within the support platform would be obvious through routine experimentation in order to get the best comfort of operating a keyboard which is supported by the platform.

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Claim 16 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Patterson et al. in view of Weber et al. as applied to claims 14-16 and 21-24 above, and further in view of Sellers (US 5,742) or Peart (US 5,601,264) or Gallant et al. (US 5,238,001).

Patterson et al. and Weber et al. teach all that is claimed, except for the bleed orifice in fluid communication with the bladder is not shown clearly. Each of the patents to Sellers, Peart and Gallant et al. are cited to show the conventional use of a bleed orifice in fluid communication with a bladder. For examples, Sellers teaches a pressure relief valve or bleed orifice 92 connected to a pad interior zone or bladder 64a. Peart teaches a release valve 40 (Peart, Fig.1) which functions as a bleed orifice connected to a bladder 12. Gallant et al. teaches a bleed orifice 246 connected to an inflatable cuff or bladder 204. In view of the teachings of each of the patents of Sellers, Peart, Gallant et al., it would have been obvious to one of ordinary skill in the art to modify the support platform of Patterson et al. and Weber et al. by providing the bleed orifice as taught by Sellers or Peart or Gallant et al. for ease of releasing pressure from a bladder.

Claims 17 and 18 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Patterson et al. in view of Weber et al. as applied to claims 14-16 and 21-24 above, and further in view of Brown (US 5,806,115).

Patterson et al. and Weber et al. teach all that is claimed, except for a controller electrically connected to the pump. Brown teaches an adjustable position control system having a controller 22 which is electrically connected to a pump for adjusting the position of a support plate 33 (Brown, Figs. 3-5). In view of the teaching of Brown, it would have been obvious to one of ordinary skill in the art to modify the support platform of Patterson et al. and Weber et al. by providing the controller as taught by Brown to improve the efficiency of typing on a keyboard. With respect to claim 18, the selection

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of a desired period of energizing or de-energizing the pump would be obvious through routine experimentation in order to get the best use of a keyboard by an operator.

Claims 19 and 20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Patterson et al. in view of Weber et al. as applied to claims 14-16 and 21-24 above, and further in view of McConnell (US 5,037,054).

Patterson et al. and Weber et al. teach all that is claimed, except for the support platform which is attached to an articulated arm extending from a desk. McConnell teaches a keyboard support platform 24 attached to an arm 18 extending from a desk 10. In view of the teaching of McConnell, it would have been obvious to one of ordinary skill in the art to modify the support platform of Weber et al. by attaching the support platform to an articulated arm as taught by McConnell for more precise controlling of the position of a keyboard for typing.

### ***Response to Arguments***

Applicant's arguments with respect to claims 14-24 have been considered but are moot in view of the new ground(s) of rejection.

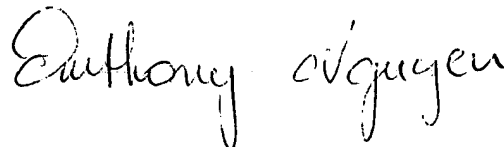
### ***Conclusion***

The patents to Needham is cited to show other structures having obvious similarities to the claimed structure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

A handwritten signature in cursive script that reads "Anthony Nguyen".

Anthony Nguyen  
10/14/04  
Patent Examiner  
Technology Center 2800